

LABOUR DEPARTMENT

The 29th January, 1987.

No. 9/1/87-6 Lab./229.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of General Manager, Haryana Roadways Depot, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 353 of 1984.

SHRI BABU RAM C/O SHRI U. KANT AND
THE MANAGEMENT OF THE GENERAL
MANAGER, HARYANA ROADWAYS,

DEPOT YAMUNA NAGAR.

Present : Shri U. Kant, for workman.

Shri Rama Kant, A.D.A., for respondent.

AWARD

... The Hon'ble Governor of Haryana in the exercise of the powers conferred,—vide clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Babu Ram and General Manager, Haryana Roadways, Yamuna Nagar originally to Labour Court, Faridabad. The terms of the reference are as under :

"Whether termination of services of Shri Babu Ram was justified and in order, if not to what relief is he entitled?"

Workman through his demand notice alleged that he had been in the employment of respondent management more than 240 days. His services were terminated on 15th September, 1982 in violation of provisions of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent was afforded four opportunities to file written statement but it failed to do so. Accordingly defence of the respondent management was struck off on 24th August, 1985. Workman examined himself as AW-1 in support of his case and deposed that he joined service of respondent management on 15th June, 1976 as a Helper. His services were terminated on 15th September, 1982 without any inquiry, without notice, without payment of retrenchment compensation. He stated that during the above period he served the respondent without any break in service. At the time of termination of his

services 33 persons who were junior to him were retained in service by the respondent. He also submitted appreciation letter Ex. W-1. During the cross-examination he denied that his appointment in the respondent employment was for a fixed period.

In view of the above circumstances and facts on the file I am of the considered view, that the workman remained in the employment of respondent from 15th June, 1976 to 15th September, 1982 which clearly shows that he completed service more than 240 days. There is no evidence from the side of respondent to dislodge the claim of the workman, so his evidence has to be accepted in toto. Since there is a violation of provisions of section 25(F) of Industrial Disputes Act, 1947. So termination order is unjust and illegal.

Shri Rama Kant, A.D.A. for respondent argued that the service of workman was for a fixed period, so there is no termination regarding his service in view of provisions 2(oo)(bb) of Industrial Disputes Act, 1947. But this contention of Ld. A.D.A. is **not tenable** because amendment in section 2(oo) came into force in August, 1984 while the services of workman were terminated on 15th September, 1982, this amendment has no retrospective effect.

In view of the above discussion I am of the considered view that termination of workman is unjust and illegal, so termination order dated 15th September, 1982 is set aside.

I order the reinstatement of workman with continuity in service and with full back wages. Dated the 16th December, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 3358, dated 16th December, 1986.
Forwarded (Four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY
Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,
Secretary to Government Haryana,
Labour and Employment Department.